

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 AMENDED ORDINANCE NO. 12-099

5
6 RELATING TO PROGRAMS THAT PROVIDE ALTERNATIVES TO CRIMINAL
7 PROSECUTION, TERMINATING THE PRE-PROSECUTION DIVERSION
8 PROGRAM, ESTABLISHING A NEW PROGRAM, AMENDING SCC 2.98.020
9 AND 2.98.030, ADDING A NEW SECTION, REPEALING SCC 2.98.010, AND
10 CONTAINING AN EFFECTIVE DATE
11

12 WHEREAS, the State of Washington has authorized its counties to collect a
13 one-tenth of one percent sales and use tax to be used for the operation or delivery of
14 chemical dependency or mental health treatment programs and services and for the
15 operation or delivery of therapeutic court programs and services; and
16

17 WHEREAS, the County Council in consultation with the Prosecuting Attorney has
18 determined that it is necessary to create a county program that provides alternatives to
19 criminal prosecution for individuals charged with certain felony offenses who suffer from
20 drug or alcohol dependency and/or mental illness; and
21

22 WHEREAS, the Council finds that this ordinance will provide important services
23 to the public, support a critical initiative of the Prosecuting Attorney's office, and promote
24 the best interests of the County consistent with fiscal constraints on the annual budget
25 for 2013;
26

27 NOW, THEREFORE, BE IT ORDAINED:
28

29 Section 1. The title of Chapter 2.98 of the Snohomish County Code, adopted by
30 Ordinance No. 82-039 on April 26, 1982, is amended to read:
31

32 **Chapter 2.98**
33 **((PRE-PROSECUTION DIVERSION ADVISORY BOARD)) THERAPEUTIC**
34 **ALTERNATIVES TO PROSECUTION PROGRAM AND FEES**
35

36 Section 2. A new section is added to Chapter 2.98 of the Snohomish County
37 Code to read:
38

39 **2.98.015 Therapeutic Alternatives to Prosecution Program.**

40 (1) The prosecuting attorney is authorized to establish the therapeutic
41 alternatives to prosecution (TAP) program as an alternative to prosecution of
42 adult offenders whose commission of felony offenses is directly related to drug or
43 alcohol dependency or mental illness. The TAP program shall be designed to
44 assist offenders who are amenable to behavioral change, hold participants

1 accountable for their criminal acts, eliminate drug or alcohol abuse, stabilize and
2 maintain mental health, provide restitution for victims, and prevent recidivism by
3 addressing the root causes of criminal behavior.

4 (2) Entry into the TAP program shall be determined by the prosecuting
5 attorney based on the facts of each case, the offender's criminal history,
6 available resources, and other factors determined by the prosecuting attorney.
7 Participation in the program shall be voluntary and subject to conditions
8 established by the prosecuting attorney.

9 (3) This chapter shall not affect the prosecutorial discretion of the
10 prosecuting attorney. Neither the availability of the TAP program, nor its
11 existence or continued operation, is established as a matter of right by the
12 enactment of this ordinance.

13
14 Section 3. Snohomish County Code Section 2.98.020, last amended by
15 Ordinance No. 10-082 on October 13, 2010, is amended to read:

16
17 **2.98.020 Program and evaluation fees.**

18 (1) To provide for the initial evaluation, referral and supervision of TAP
19 program participants, the following fees shall be charged:

20 (a) A \$300.00 evaluation fee to be paid by the applicant for the initial
21 evaluation of the applicant;

22 (b) A \$150.00 TAP diversion agreement signing fee to be paid by ~~((the))~~
23 each participant who is accepted into the program. This fee may be paid
24 according to a payment plan established in the participant's diversion agreement.

25 (c) A \$50.00 per month program participation fee to be paid by the
26 participant for each month of participation in the program.

27 (2) The TAP ~~((program and evaluation))~~ fees may be waived or reduced
28 for indigent persons by the ~~((pre-prosecution diversion))~~ TAP fee advisory
29 ~~((board))~~ committee pursuant to SCC 2.98.030. Upon referral to the ~~((board))~~
30 committee by the ~~((diversion))~~ TAP program director, the fees ~~((shall))~~ may be
31 waived or reduced according to the individual's financial affidavit or other relevant
32 financial information.

33 (3) The participant shall make all payments of fees in a guaranteed form
34 of payment, such as a certified, cashier's or bank manager's check. ~~((Said))~~ The
35 check shall be made payable to Snohomish County and delivered to the
36 ~~((diversion))~~ TAP program office.

37 (4) All payments made to the ~~((diversion))~~ TAP program office shall be
38 delivered to the office of the Snohomish County Treasurer, and shall be placed
39 into ~~((the general))~~ fund 124.

40
41 Section 4. Snohomish County Code Section 2.98.030, adopted by Ordinance
42 No. 82-039 on April 26, 1982, is amended to read:

43
44 **2.98.030 ~~((Pre-prosecution diversion))~~ TAP fee advisory ~~((board))~~**

1 committee.

2 (1) A ~~((pre-prosecution diversion))~~ TAP fee advisory ~~((board))~~ committee
3 is hereby established to waive, reduce or leave intact fees for indigent program
4 participants and applicants, subject to oversight as determined appropriate by the
5 prosecuting attorney.

6 (a) Membership Terms and Compensation. The advisory ~~((board))~~
7 committee shall be composed of three members from the community, who shall
8 be residents of Snohomish County. They shall serve ~~((one-year))~~ three-year
9 terms without compensation. In no event shall the members be ~~((reappointed~~
10 ~~for))~~ appointed to more than three consecutive terms.

11 (b) The ~~((board))~~ committee members shall be nominated by the director
12 of the ~~((diversion))~~ TAP program and shall serve upon appointment by the
13 ~~((county executive, which appointment shall be confirmed by the Snohomish~~
14 ~~county council))~~ prosecuting attorney. Members may be removed from office at
15 the pleasure of the county by way of the same procedure as appointments.

16 (c) ~~((No member of the ((board)) committee shall be a Snohomish County~~
17 ~~employee or an elected official of Snohomish County.~~

18 ~~((d))~~ Vacancies on the ~~((board))~~ committee shall be filled in the same
19 manner as the initial appointment.

20 (2) Meetings. The advisory ~~((board))~~ committee shall conduct bi-monthly
21 meetings to review cases referred to it by the ~~((pre-prosecution diversion))~~
22 program director and to perform other duties as provided below.

23 (3) Dates. The ~~((pre-prosecution))~~ advisory ~~((board))~~ committee shall
24 make the following determinations concerning program fees or evaluation fees:

25 (a) The ~~((board))~~ committee shall waive, adjust or leave intact the
26 ~~(((\$400.00))~~ \$300.00 evaluation fee for indigent program applicants referred to the
27 ~~((board))~~ committee by the program director. The applicant's financial affidavit
28 and other relevant financial information may be considered by the ~~((board))~~
29 committee.

30 (b) The ~~((board))~~ committee shall waive, adjust or leave intact the
31 ~~(((\$500.00))~~ \$50.00 monthly program participation fee for program participants
32 referred to the ~~((board))~~ committee by the program director. The participant's
33 financial affidavit and other relevant financial information may be considered by
34 the ~~((board))~~ committee.

35 (c) The ~~((board shall))~~ committee may resolve disputes between program
36 staff and program participants concerning program fees. The ~~((board))~~
37 committee ~~((shall))~~ may act as final arbiter in disputes concerning evaluation and
38 program fees.

39 ~~((d) The board shall make a determination whether a participant shall be~~
40 ~~terminated from the program because of the participant's failure to pay program~~
41 ~~or evaluation fees as agreed.)~~

42
43 Section 5. **Repeal.** Snohomish County Code Section 2.98.010, adopted by
44 Ordinance No. 82-039 on April 26, 1982, is repealed.

1
2 Section 6. **Transition and savings.** The members of the Pre-prosecution
3 Advisory Board in office on the effective date of this ordinance shall comprise the initial
4 members of the TAP Fee Advisory Committee established by this ordinance, provided
5 that their initial terms on the TAP Fee Advisory Committee shall expire on December
6 31, 2013. The initial members may be reappointed for up to three additional terms in
7 accordance with SCC 2.98.030(1)(a). This ordinance shall not affect the deferral or
8 prosecution of any person enrolled in the pre-prosecution diversion program under SCC
9 2.98.010 on the effective date of this ordinance who continues to satisfy the terms of his
10 or her deferred prosecution.

11
12 Section 7. **Effective date.** This ordinance shall take effect January 1, 2013.

13
14 PASSED this 28th day of November, 2012.

15
16 SNOHOMISH COUNTY COUNCIL
17 Snohomish County, Washington

18
19 
20 _____
21 Chairperson

22 ATTEST:

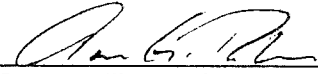
23 
24 _____
25 Clerk of the Council

26
27 () APPROVED

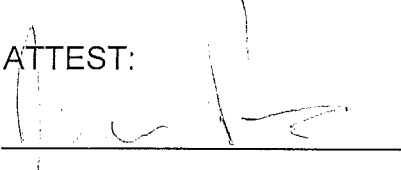
28
29 () EMERGENCY

30
31 () VETOED

32 DATE: 12/5/12

33
34
35 
36 _____
37 County Executive

38 ATTEST:

39 
40 _____
41 Approved as to form only:

42
43 _____
44 Deputy Prosecuting Attorney

ORDINANCE NO. 12-099
RELATING TO PROGRAMS THAT PROVIDE ALTERNATIVES
TO CRIMINAL PROSECUTION, TERMINATING THE
PRE-PROSECUTION DIVERSION PROGRAM, ETC. - 4

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